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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/461,265	12/15/1999	NEIL MASON	CS1061#SP	3583

7590 05/05/2004

BRUCE S SHAPIRO-TW199
PATENT DEPARTMENT
THE BLACK & DECKER CORPORATION
701 EAST JOPPA ROAD
TOWNSON, MD 21286

EXAMINER

GOODMAN, CHARLES

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 05/05/2004

29

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/461,265

Applicant(s)

MASON, NEIL

Examiner

Charles Goodman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-19 is/are allowed.
- 6) ☒ Claim(s) 1-11, 13 and 14 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. The Amendment filed on January 28, 2004 has been entered.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-3, 8-11, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vannuvel (BE 440,688) in view of Grant et al.

Vannuvel discloses the invention substantially as claimed except that Vannuvel is silent on coupling of the saw to a motor. However, Grant et al teaches that it is old and well known in the art to provide the shaft with the ability to be coupled to a motor at multiple orientations as shown in Figs. 1-8, shaft (33) having one end for coupling to a motor and the other end including a retaining member for the saw blade (40). Thus, it would have been obvious to the ordinary artisan at the time the invention was made to provide the device of Vannuvel with the ability to couple the shaft to a motor as suggested by Grant et al in order to facilitate motor operated sawing, since it has been held that broadly providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art. *In re Venner*, 120 USPQ 192.

Regarding claim 9, the modified device of Vannuvel discloses the invention substantially as claimed except that it does not appear that Vannuvel, modified, includes a plurality of pairs of arms. However, it would have been obvious to the ordinary artisan at the time of the instant invention to provide the modified device of Vannuvel with a

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plurality of arms to facilitate additional positioning means for saw blades of various lengths, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

4. Claims 1-11, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Grant et al.

Huang discloses the invention substantially as claimed except that Huang is silent on coupling of the saw to a motor. However, Grant et al teaches that it is old and well known in the art to provide the shaft with the ability to be coupled to a motor at multiple orientations as shown in Figs. 1-8, shaft (33) having one end for coupling to a motor and the other end including a retaining member for the saw blade (40). Thus, it would have been obvious to the ordinary artisan at the time the invention was made to provide the device of Huang with the ability to couple the shaft to a motor as suggested by Grant et al in order to facilitate motor operated sawing, since it has been held that broadly providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art. *In re Venner*, 120 USPQ 192.

Regarding claim 9, the modified device of Huang discloses the invention substantially as claimed except for a plurality of pairs of arms. However, it would have been obvious to the ordinary artisan at the time of the instant invention to provide the modified device of Huang with a plurality of arms to facilitate reinforced mounting of the saw blade, since it has been held that mere duplication of the essential working parts

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of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Allowable Subject Matter

5. Claims 15-19 are allowed.
6. Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments filed January 28, 2004 have been fully considered but they are not persuasive.

In response to Applicant's basic argument that the combination as suggested by the Examiner fails to rotation of the retaining member changes orientation of the saw blade, this argument is traversed. First, the phrase "retaining member" is broad, and it does not require any consideration of specific features of the retaining member outside of change in orientation. Thus, rotation of the wing nuts meet this limitation. Second, it is not clear what Applicant is arguing when stating that the "the rotation of the retaining member changes the orientation of the saw blade." As best understood of the disclosure, the retaining member (e.g. 10) - Figs. 6-7 - when released from the normally biased position unclamps the saw blade such that the saw blade may then be rotated into the desired position. Rotation of the member (10) does not positively rotate the saw blade as Applicant appears to argue.

Conclusion

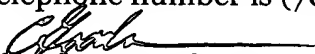
8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Goodman whose telephone number is (703) 308-0501. The examiner can normally be reached on Monday-Thursday between 7:30 AM to 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap, can be reached on (703) 308-1082.

In lieu of mailing, it is encouraged that all formal responses be faxed to (703) 872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is (703) 308-1148.


Charles Goodman
Primary Examiner
AU 3724

cg 
May 3, 2004